

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 23, 2009

**D054333      In re D. G. et. al., Juveniles**

The appeal is dismissed. Haller, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

**D054144      In re K. G., a Juvenile**

The appeal is dismissed. McDonald, J.; We Concur: Benke, Acting P.J., Haller, J.

**D054397      Angela G. v. Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**

The petition is denied. McConnell, P.J.; We Concur: McIntyre, J., Aaron, J.

**D052280      People v. Judge**

The petition for rehearing is denied.

**D054468      Wiebe et al. v. Superior Court of San Diego County/Smith et al.**

The petition is denied.

**D054606      In re Faatiliga on Habeas Corpus**

The petition is denied.

**D054586      In re Brown on Habeas Corpus**

The petition is denied.

**D054195      Allen v. Superior Court of San Diego County/Reilly**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 24, 2009

**D054117      People v. Hernandez**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.360(c)(5)(A). The appeal is dismissed.

**D052385      Pinkney et al. v. Cameron Brothers Construction**

The judgment of the trial court is affirmed. Aaron, J; We Concur: Huffman, Acting P.J., McIntyre, J.

**D054781      In re Conservatorship of Klopfenstein**

The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is dismissed without prejudice to refile a notice of appeal after an appealable order or judgment has been entered.

**D054782      In re Conservatorship of Liu**

The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is dismissed without prejudice to refile a notice of appeal after an appealable order or judgment has been entered.

**D052904      In re Marriage of Woodall and Teeter**

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Nares, J.

**D053805      In re Gabriel L., a Juvenile**

The opinion filed February 27, 2009, is ordered certified for publication.

**D051169      Krzywiec v. Krzywiec**

The order is affirmed. John is awarded his costs on appeal. McIntyre, J.; We Concur: McConnell, P.J., Benke, J.

**D053190      People v. Nigal Inc., et al.**

The order is reversed and the case is remanded to the trial court for further proceedings in accordance with this opinion. McIntyre, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D052802      McAvoy et al. v. Hilbert**

The order denying Hilbert's petition to compel arbitration is affirmed. The McAvoy's shall recover their costs on appeal. CERTIFIED FOR PUBLICATION  
Nares, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D052261      People v. Joel O.**

The order is affirmed. Haller, J.; We Concur: McConnell, P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 24, 2009 (Continued)

**D054075      People v. Abazariyan**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.360( c)(5)(A). The appeal is dismissed.

**D053829      Reece v. Chartone, Inc.**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

**D053830      Jackson v. Chartone, Inc.**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

**D051470      Webb v. San Diego Pain Management Clinic et al.**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

**D054190      In re Strausbaugh on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 25, 2009

**D054591      Anaheim GW II, LLC v. The Superior Court of San Diego County/Hong**  
The petition is denied.

**D052103      Apex Wholesale, Inc. v. Fry's Electronics, Inc.**  
The judgment is affirmed. Fry's shall recover its costs on appeal. Nares, J.;  
We Concur: Benke, Acting P.J., Irion, J.

**D052965      Curren v. San Diego Painting/Itzhaki**  
The petition for rehearing is denied.

**D053483      Miller v. Castillo et al.**  
The petition for rehearing is denied.

**D051658      People v. James**  
The order is affirmed. O'Rourke, Acting P.J.; We Concur: Aaron, J., Irion, J.

**D052948      People v. Taylor**  
The order is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Irion, J.

**D052932      Grossmont Union High School District v. Commission on Professional  
Competence et al.**  
The judgment is affirmed. Respondent shall recover its costs on appeal. Nares, Acting P.J.;  
We Concur: McDonald, J., O'Rourke, J.

**D054793      In re Ramirez on Habeas Corpus**  
The request for judicial notice is granted. The petition *In re Jose A. Ramirez*, D054793, will be  
considered concurrently with the appeal *People v. Jose A. Ramirez*, D053015. The People are  
directed to file an informal response to the petition on or before April 15, 2009.

**D052788      In re Lucy B., a Juvenile**  
The orders are affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 26, 2009

**D053063      Parker et al. v. Winslow**

The order is affirmed. Costs are awarded to Winslow on appeal. Huffman, J.;  
We Concur: Benke, Acting P.J., Irion, J.

**D053533      Martin v. American General Financial Services**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

**D054686      LaPorte v. Superior Court of San Diego County/Pacific Shores Development**

Let a peremptory writ of mandate issue directing the superior court to vacate the minute order of February 24, 2009, and formal order filed on March 11, 2009, to the extent those orders require execution of a replacement undertaking by an admitted surety and enter an order consistent with this opinion. In all other respects, the petition is denied. LaPorte is entitled to costs in the writ proceeding. The stay issued on March 9, 2009, is vacated. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 8.490(b)(3).) McIntyre, J.; We Concur: Nares, Acting P.J., Aaron, J.

**D052578      In re the Marriage of Evans**

The orders are affirmed. Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.

**D052877      Imagitas, Inc. v. Shiff**

The judgment is affirmed. Imagitas is entitled to costs on appeal. McConnell, P.J.;  
We Concur: Huffman, J., McIntyre, J.

**D053881      In re Alissa L., a Juvenile**

The judgment is affirmed. Haller, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

**D054620      Tompkins v. Lee**

Because appellant did not timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 8.100(c)(3).)

**D054610      Thomas v. Absolute Perfection Parking Management Systems, LLC**

Because appellant did not timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 8.100(c)(3).)

**D054680      Adames v. Soler**

Because appellant did not timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 8.100(c)(3).)

**D052279      People v. Thompson**

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 26, 2009 (Continued)

**D054059      In re Rachael L., a Juvenile**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., Irion, J.

**D051649      Government Employees Insurance Company v. Tower Glass, Inc., et al.**

**D051846      Tower Glass, Inc. v. Superior Court of San Diego County/Government**

**Employees Insurance Company**

**(Consolidated)**

The appeals of Tower Glass and Collins are dismissed. Tower Glass's petition for a peremptory writ of mandate is denied. Irion, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 27, 2009

**D053883      In re Nicholas Z., a Juvenile**

The order is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., Haller, J.

**D052681      People v. Arroyo**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., McIntyre, J.

**D052680      People v. McCoy**

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D054732      Fireside Bank v. Superior Court of San Diego County/The People**

The petition is denied.

**D054587      In re Brown on Habeas Corpus**

The petition is denied.

**D054561      D. W. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Matthew W. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. No timely petition for writ relief has been filed for petitioner D. W. The notice of intent for D. W. is deemed to be abandoned. The case is dismissed.

**D053679      In re Angelica A. et al., Juveniles**

The jurisdictional order declaring Angelica a dependent of the juvenile court is affirmed. The dispositional order removing custody of Angelica from Mary Ann pursuant to section 361, subdivision (c)(1) is reversed. The juvenile court is directed to conduct another dispositional hearing in accordance with the principles expressed in this opinion and with consideration of Angelica's current circumstances. The jurisdictional and dispositional orders as to Mark are reversed. The matter is remanded to the juvenile court with directions to order the Agency to comply with ICWA notice provisions. If an Indian tribe determines Mark is an Indian child under ICWA, the court shall conduct the jurisdictional, dispositional and all subsequent hearings in accordance with ICWA. If, after proper notice, no tribe claims that Mark is an Indian child: (1) the jurisdictional order shall be reinstated and (2) the dispositional order removing custody of Mark from Mary Ann pursuant to section 361, subdivision (c)(1) shall be reversed and the juvenile court directed to conduct another dispositional hearing in accordance with the principles expressed in this opinion and with consideration of Mark's current circumstances. McIntyre, J.; We Concur: Nares, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 27, 2009 (Continued)

**D054504      In re Edlin on Habeas Corpus**

The petition is denied.

**D052676      People v. Robinson**

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D054683      Dolanksy v. Overton**

On March 6, 2009, the court stayed the appeal and directed James A. Overton to file a Request for Permission to Appeal under Code of Civil Procedure, section 391.7, subdivision. (b), and to brief whether the superior court's orders at issue are appealable. The request and brief were due on or before March 17, 2009. No request or letter brief has been received. The appeal filed with the Superior Court on February 17, 2009, is dismissed.

**D054316      In re Hernandez on Habeas Corpus**

The petition is denied.

**D054582      Candace H. v Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Candace H. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.